

Manufacturing Performance Center (MPC)



Holcim (US) Inc.  
3500 State Hwy 120  
Florence, CO 81226

Phone 719-784-6325  
Fax: 719-784-3470  
www.holcim.com/us

October 13, 2009

Mr. Lynn Kunzler  
State of Utah – DNR  
Division of Oil, Gas & Mining  
1594 W. North Temple, Suite 1210  
P. O. Box 145801  
Salt Lake City, UT 84114-5801

Re: Koosharem Clay – Permit #M/03/002

Dear Mr. Kunzler,

Attached, please find an Application for Transfer of Notice of Intention to Commence Large Mining Operations for the Koosharem Clay, Permit #M/03/002.

As you may be aware, Holcim (US) Inc. has entered into a long term agreement for the Sub-Lease of the Koosharem Clay Leases (Federal Leases Nos. UTU078187 and UTU078188) from Mr. Don Fullmer of Paradise Management, Inc.

As per the Sub-lease agreement, Holcim (US) Inc. will be responsible for the mining, permitting and reclamation of the Koosharem Clay, and as such request the transfer of the Permit to Holcim (US) Inc.

Please let me know if any additional information is required, or should you have any questions or concerns, please do not hesitate to contact me at (719) 784-1402 (Office) or on my Cell Phone at (719) 429-5566.

Sincerely,

A handwritten signature in blue ink, reading 'Michael B. Toelle'.

Michael B. Toelle  
Sr. Mining and Raw Materials Specialist  
Holcim (US) Inc. – MPC

Cc: Mr. Don Fullmer  
Keith Krugh – Holcim (US) Inc. – Plant Manager – Devils Slide Plant

**RECEIVED****OCT 19 2009****DIV. OF OIL, GAS & MINING**

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION of OIL, GAS and MINING  
1594 West North Temple, Suite 1210  
Box 145801  
Salt Lake City, Utah 84114-5801  
(801) 538-5291

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APPLICATION FOR TRANSFER  
OF  
NOTICE OF INTENTION TO COMMENCE LARGE MINING OPERATIONS

Application is hereby made to transfer the permit to commence large mining operations for the Koosharem Clay mine, permit # M/03 / 002, currently operated by Paradise Management, Inc. (transferor) to Holcim (US) Inc. (transferee).

As used herein, TRANSFEROR refers to the current operator; TRANSFEE refers to the proposed new operator; NOI refers to the Notice of Intention to Commence Large Mining Operations; PERMIT refers to the approved (or accepted) NOI, including the reclamation contract and reclamation surety.

Upon approval of the Application for Transfer:

1. The Transferor agrees to transfer all rights and obligations to operate under the terms of the NOI to the Transferee, The Transferor will not retain any rights to conduct mining operations within the area covered by the approved NOI.
2. Both parties understand the transfer of the ***NOI is not complete until all the applicable requirements are met***, including the submittal and Division approval of an appropriate reclamation surety and a reclamation contract.
3. The transferee has read and has a copy of the current NOI.
4. The Transferee has inspected the site and is fully aware of all existing conditions and responsible for compliance with the conditions of the permit and the obligations regardless of the nature of the conditions at the site.
5. Transferee shall conduct mining operations on lands included in the NOI in accordance with the Utah Mined Land Reclamation Act, (ACT) Sections 40-8-1 et seq., Utah Code Annotated, (2005, as amended), and the rules promulgated under the ACT (R647- et seq., and the approved NOI.
6. The Transferee shall provide a surety in a form and amount approved by the Division to assure reclamation of the lands affected by the mining operations.

The **Transferor** will remain liable for compliance at the mine site until this transfer application is approved.

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DIV. OF OIL, GAS & MINING

The signatory below represents that he/she has authority to execute this transfer on behalf of the Transferor, if not a natural person. Statements made in the application are true and correct to the best of my knowledge and belief.

TRANSFEROR:

Paradise Management ,Inc.

Operator/Transferor Name

By Don W. Fullmer

Name of Authorized Officer (Typed or Printed)

President

Title of Authorized Officer

Don W. Fullmer 8-7-09

Officer's Signature

Date

STATE OF Utah

) ss:

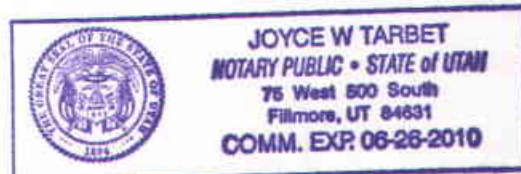
COUNTY OF Mitchell

On the 7th day of August, 2009, Don W. Fullmer  
personally appeared before me, who being by me duly sworn did say that he/she is  
an owner (owner, officer, director, partner, agent or other (specify))  
of the Operator \_\_\_\_\_  
and duly acknowledged that said instrument was signed on behalf of said Operator  
by authority of its bylaws, a resolution of its board of directors, or as may otherwise  
be required to execute the same with full authority and to be bound hereby.

Joyce W. Tarbet  
Notary Public

75 W. 500 S.  
Residing at

6-26-2010  
My Commission Expires:



The signatory below represents that he/she has authority to execute this transfer on behalf of the Operator/Transferee, if not a natural person; and the operator/transferee is a properly organized entity in good standing under the laws of Utah and the United States, is registered as an entity authorized to do business in the State of Utah. Statements made in the application are true and correct to the best of my knowledge and belief.

TRANSFeree:

Holcim (US), Inc.

Operator/Transferor Name

By Gian Raffainer

Name of Authorized Officer (Typed or Printed)

V.P. Manufacturing

Title of Authorized Officer

Officer's Signature

Date

09/23/09

STATE OF Illinois

) ss:

COUNTY OF Cook

On the 23 day of Sept, 2009, Gian Raffainer  
personally appeared before me, who being by me duly sworn did say that he/she is  
an officer (owner, officer, director, partner, agent or other (specify))  
of the Operator Holcim (US) Inc  
and duly acknowledged that said instrument was signed on behalf of said Operator  
by authority of its bylaws, a resolution of its board of directors, or as may otherwise  
be required to execute the same with full authority and to be bound hereby.

Kathryn J. Mandahl  
Notary Public

Cook County, Illinois  
Residing at

7/23/2012  
My Commission Expires:

"OFFICIAL SEAL"  
Kathryn J. Mandahl  
Notary Public, State of Illinois  
My Commission Expires 07-23-2012

E-mail Address: \_\_\_\_\_

**If Business is a Corporation:**

Name of Officers: Bernard Trever Title: President  
Filiberto Ruiz Title: Sr. V.P. Manufacturing  
Gian Raffainer Title: V.P. Manufacturing  
Jay Tangney Title: Secretary and General Council  
Corporate Address: 201 Jones Rd.  
City, State, Zip: Waltham, MA 02451  
Phone: (781) 647-2501 Fax: (781-647-2517)  
E-mail Address: \_\_\_\_\_

**If Business is a Limited Liability Company: Member Managed \_\_\_\_\_ Manager Managed \_\_\_\_\_**

Name of 1<sup>st</sup> Member/Manager: \_\_\_\_\_ Title: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

2nd Member/Manager: \_\_\_\_\_ Title: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

**2. Contacts:**

**This person may be notified for: permitting ☒ surety ☒ Notices ☒**  
**(please check all that apply)**

Name: Keith Krugh Title: Plant Manager  
Address: 6055 E. Croydon Rd.  
City, State, Zip: Morgan, Utah 84050  
Phone: (801) 829-2181 Fax: (801) 829-2180  
Emergency, Weekend, or Holiday Phone: \_\_\_\_\_  
E-mail Address: Keith.krugh@holcim.com

**This person may be notified for: permitting \_\_\_\_\_ surety \_\_\_\_\_ Notices \_\_\_\_\_**  
**(please check all that apply)**

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Emergency, Weekend, or Holiday Phone: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

**Registered Utah Agent** (as identified with the Utah Dept of Commerce) *(if individual leave blank):*

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_



**3. Certification:**

**This certification must be signed by:**

- (1.) an executive officer if the applicant is a corporation;
- (2.) a partner if applicant is a partnership (general or limited);
- (3.) the owner if applicant is a sole proprietorship;
- (4.) the member or manager if applicant is a limited liability company; or
- (5) the individual if the applicant is filing as an individual:

I state under penalty of perjury under the laws of the state of Utah and the United States of America that:

- a. Paradise Management, Inc. (transferor), has provided a copy of the approved mining and reclamation plan. I will follow the approved mining and reclamation plan until such time that I provide the Division with an amended Notice of Intention (plan) and receive approval of the amended Notice; AND
- b. I commit to the reclamation of the aforementioned large mining operation as required by the Utah Mined Land Reclamation Act (40-8) and the rules as specified by the Board of Oil, Gas and Mining.

Signature:  Date: 09/23/09

Name (typed or printed): Gian Raffainer

Title/Position (if applicable): V.P. Manufacturing